

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

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Board Director

State Personnel Board
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Meeting Minutes September 15, 2015

The State Personnel Board met in public session on Tuesday, September 15, 2015, at the Colorado State Personnel Board, 1525 Sherman Street, First Floor Conference Room 103, Denver, Colorado 80203.

The meeting was called to order at 9:00 a.m. Board Members Vonda Hall, Nora Kelly, Michelle Palmquist and Neil Peck were present in person. Teresa Salerno was absent and excused.

Dana Shea-Reid, Board Director, Leanne DeVos, Board Counsel and Eric Maxfield, Senior Assistant Attorney General were present in person.

Director Shea-Reid introduced and welcomed the new Board Counsel DeVos.

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR], DPA

Joyelle Camilli, DHS Consulting Services Manager presented on behalf of DHR/DPA.

- Kim Burgess and DHR staff are in the process of reviewing HRIS proposals and evaluating the business requirements necessary to support human resources needs. This review will continue to mid-October to be followed by a review of costs.
- DHS has noted an "up-tick" in Director's reviews of appeals of evaluations corresponding with performance management process.

II. PENDING MATTERS AT THE COURT OF APPEALS

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

No Initial Decisions or other Final Orders of the Administrative Law Judges on Appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

- A. Michael E. DeLong v. Department of Transportation, State Personnel Board case number 2014G0110.

Ms. Hall moved to reject the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Palmquist seconded the motion. Mr. Peck dissented, arguing the third prong of discrimination had not been met. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, and Ms. Palmquist. Mr. Peck voted in opposition.

- B. Suzanne Kelley v. Department of Public Health and Environment, State Personnel Board case number 2015G0005(C).

Ms. Hall moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing for disability and retaliation, but amending the order to also include age discrimination believing that Complainant had demonstrated sufficient basis for her claim. Ms. Kelly seconded the motion. Mr. Peck dissented, arguing that although he supported granting a hearing, he did not feel Complainant had established a claim for age discrimination. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly and Ms. Palmquist. Mr. Peck voted in opposition.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

Douglas Schreffler v. Department of Revenue, Division of Motor Vehicles, State Personnel Board case number 2015B067 (August 11, 2015).

The Board took no action in this matter.

Kathy Starling v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 20114G013 (August 31, 2015).

The Board took no action in this matter.

VI. REVIEW OF THE MINUTES FROM THE JULY 21, 2015 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Review of the July 21, 2015 Board Minutes was tabled until the October meeting as there was not a quorum present. Ms. Palmquist did not attend the July 21 meeting, Ms. Kelly was not yet on the Board in July and Ms. Salerno was absent for the present meeting. The remaining two Board members, Ms. Hall and Mr. Peck did not constitute the quorum necessary to approve Board minutes.

REVIEW OF THE MINUTES FROM THE AUGUST 18, 2015 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Ms. Palmquist moved to amend the minutes for one correction noted and approve them as amended. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist and Mr. Peck.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS AUGUST 18, 2015 PUBLIC MEETING:

- A. Sheldon Reneau v. Department of Corrections, LaVista Correctional Facility, State Personnel Board case number 2015G099.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing.

- B. Chad Bauer v. Community Colleges of Colorado, Pikes Peak Community College, State Personnel Board case number 2015G096.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Cletus Thiessen v. Department of Transportation, State Personnel Board case number 2015G82

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- D. Jacqueline Jackson v. Department of Law, State Personnel Board case number 2015S028

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

- A. ADMINISTRATIVE MATTERS
- B. OTHER BOARD BUSINESS

Board Counsel DeVos updated the Board on two cases on appeal. Kirkmeyer (2007G089): A mandate was issued and the appellant/petitioner has 42 days from the issuance of the Court of Appeals opinion to petition for certiorari. Honest (2014G036): Requested and received an extension of time to file her Petition for Certiorari to the Colorado Supreme Court, while she seeks legal representation.

GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS,
PERSONNEL ADMINISTRATORS, AND THE PUBLIC

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

The Board did not enter into Executive Session.

The Board meeting ended by consensus at 9:35 A.M.

DATED THIS 20th DAY OF OCTOBER, 2015.

SIGNATURES



Neil Peck, Board Chair



Vonda Hall, Vice Chair



Nora Kelly, Member



Michelle Palmquist, Member